

Serial No. 10/686,741

Amendment Dated: February 21, 2008

Reply to Office Action Mailed: November 21, 2007

Attorney Docket No. 101610.55984US

**REMARKS**

Reconsideration and allowance of the above-identified application are respectfully requested. Claims 1-36 remain pending, wherein claims 1, 2, 21 and 22 are amended.

The specification is objected to for including hyperlinks. The specification is amended to remove the hyperlinks.

Claims 1, 10, 11, 13 and 21-33 are rejected under 35 U.S.C. § 101 for lacking utility. This ground of rejection is respectfully traversed.

Independent claims 1 and 21 are amended to recite “querying the calculated plurality of destination nodes for a message.” Furthermore, the preamble of claim 21 is amended to recite a “computer readable medium.” It is respectfully submitted that these amendments overcome the rejection for lack of utility. Accordingly, withdrawal of the rejection of these independent claims, and the respective dependent claims, is respectfully requested.

Claims 1-36 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,138,158 to Boyle et al. (“Boyle”). This ground of rejection is respectfully traversed.

Boyle does not anticipate claim 1 because Boyle does not disclose “calculating a plurality of destination nodes based on a subscriber identifier and a plurality of addressing functions, each addressing function corresponding to a topology of the network at a particular moment in time.”

Boyle discloses a system that sends a notification to client devices over a narrowband channel when information is updated.<sup>1</sup> Client devices can obtain the updated information using a wideband channel.<sup>2</sup> Boyle does not, however, disclose a calculation of a plurality of destination nodes in the manner recited in claim 1.

Nevertheless, the Office Action cites column 8, lines 1-13 of Boyle as disclosing the calculation recited in claim 1. This section of Boyle discloses that a user pays for circuit switched connections by time, regardless of the amount of data passed through the connection. The section also describes notifying a user of updated information using a narrowband channel and a user obtaining the updated information over a wideband channel. There is not, however, anything in this section of Boyle disclosing “calculating a plurality of destination nodes”, performing such a calculation “based on a subscriber identifier and a plurality of addressing functions”, or that “each addressing function corresponding to a

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<sup>1</sup> Abstract.

<sup>2</sup> *Id.*

topology of the network at a particular moment in time.” As such, Boyle does not anticipate Applicants’ claim 1.

If this ground of rejection is maintained, Applicants respectfully request that the next Office Action identify with particularity which components of Boyle are being relied upon as disclosing “the plurality of destination nodes”, the “subscriber identifier” and the “plurality of addressing functions.”

Claims 2-13 are patentably distinguishable over Boyle at least by virtue of their dependency from claim 1.

Independent claims 14 and 21 recite similar elements to those discussed above with regard to claim 1, and are patentably distinguishable over Boyle for similar reasons. Claims 2-13 and 15-20 are patentably distinguishable over Boyle at least by virtue of their dependency from claims 14 or 21.

Boyle does not anticipate claim 34 because Boyle does not disclose at least the calculation and forwarding recited in this claim.

The Office Action cites column 14, lines 21-37 of Boyle as disclosing the claimed calculation. This section of Boyle describes a mobile device 302 fetching updated content by sending a request to link server device 114. The Office Action does not specifically identify which component disclosed by Boyle corresponds to the claimed first node. However, based on the portion of Boyle

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cited by the Office Action, it appears that link server device 114 is being interpreted as corresponding to the claimed first node.

Boyle does not, however, disclose that link server device 114 calculates a second and third node that stores messages, or that the device forwards a message retrieval request to the calculated second and third nodes. Instead, the cited portion of Boyle merely discloses that link server device 114 authenticates the mobile device and “sends the request...to server device 202 to establish a connection between server device 202 and link server device 114.”<sup>3</sup> Using the established connection, link server device 210 obtains the updated information from web server 202 and forwards the information to mobile device 302.<sup>4</sup> There is nothing in the cited section disclosing that second and third nodes are calculated or that the request is forwarded to the calculated second and third nodes.

Furthermore, in contrast to Boyles disclosure of sending a request to a single device, namely server device 202, Applicants' claim 34 recites forwarding a request to *second and third nodes*.

If this ground of rejection is maintained, Applicants' respectfully request that the next Office Action identify with particularity which components of Boyle

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<sup>3</sup> Column 14, lines 31-34.

<sup>4</sup> Column 14, lines 34-37.

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correspond to the claimed first, second and third nodes, and the claimed first and second addressing functions.

Claims 35 and 36 are patentably distinguishable over Boyle at least by virtue of their dependency from claim 34.

For at least those reasons set forth above, it is respectfully requested that the rejection of claims 1-36 as being anticipated by Boyle be withdrawn.

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If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #101610.55984US).

Respectfully submitted,

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